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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,671	08/09/2001	Bo Arthur Einar Tjellstrom	11133Z	3329

7590 02/23/2004

SCULLY, SCOTT, MURPHY & PRESSER
400 Garden City Plaza
Garden City, NY 11530

EXAMINER

ROARK, JESSICA H

ART UNIT PAPER NUMBER

1644

DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/925,671	Applicant(s) TJELLSTROM ET AL.	
	Examiner Jessica H. Roark	Art Unit 1644	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.


The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-10, 13 and 15.

Claim(s) withdrawn from consideration: 11 and 12.


 PHILLIP GAMBEL, PH.D.
 PRIMARY EXAMINER
Tell Counsel 1600
2/19/04

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 3. Applicant's reply has overcome the following rejection(s):

the proposed amendment has obviated the previous rejection of claims 1-10 under 35 U.S.C. 102(e) as being anticipated by Salfeld et al. (U.S. Pat. No. 6,509,015, of record) by requiring that the antibody preparation be a pooled human polyclonal immunoglobulin preparation

Continuation of 5. does NOT place the application in condition for allowance because:

the proposed amendment after final "re-adds" the "pooled human polyclonal" limitation that was present in the claims when first considered on the merits (see Office Action mailed 6/2/03). Newly added claim 15 adds the requirement that the preparation be "non-antigen specific". The rejection under 35 U.S.C. 103(a) as being unpatentable over Hassig (U.S. Pat. No. 4,676,982, of record) and Hardie (U.S. Pat. No. 4,477,432, IDS) (originally set forth in the paper mailed 6/2/03 and maintained in the final rejection mailed 11/20/03) applies to the amended and newly added claims for the reasons of record, and because the immunoglobulin preparation of Hassig is non antigen specific.

RESPONSE UNDER 37 CFR § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1644

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: B. Tjellstrom, et al. Examiner: Jessica H. Roark
Serial No.: 09/925,671 Art Unit: 1644
Filed: August 9, 2001 Docket: 11133z
For: ORAL IMMUNOGLOBULIN Dated: February 6, 2004
TREATMENT FOR INFLAMMATORY
BOWEL DISEASE

Confirmation No.: 3329

Commissioner for Patents
Alexandria, VA 22313-1450

AMENDMENT UNDER 37 C.F.R. § 1.116

Sir:


OK to Entry
2/19/04 JHR

In response to the Office Action dated November 20, 2003, and in accordance with the provisions of 37 C.F.R. §1.116, Applicants respectfully request entry of the following amendments in the above-identified case.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Dated: February 6, 2004


Peter I. Bernstein

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